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|---|
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| ART UNIT | PAPER NUMBER |
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DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/674,576 | SUDO ET AL. | |
| | Examiner | Art Unit | |
| | Qi Han | 2654 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-22 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

## DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Response to Amendment*

2. This communication is responsive to the applicant's amendment dated 06/30/2003 (Paper 6). Applicant amended claims 1-12, and added new claims 13-22.

3. The examiner withdraws the claim objections regarding claims 4-5, because applicant made correction and/or amendment.

### *Response to Arguments*

4. Applicant's arguments with respect to claims 1-12 have been considered, but the arguments are based on the amended claims (see amendment: page 14, paragraph 3), so that amended claims are moot in view of the new ground(s) of rejection.

In addition, the amended claims introduces new subject matter, for example, in claim 1, the limitation of "storing in each of two or more categories one or mere pieces of information each pertinent to respective contends items", did not disclose in original claim, neither in specification, which are moot in view of claim rejection under 35 USC 112 as following section.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1,10 and12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 1, the limitation of "storing in each of two or more categories one or mere pieces of information each pertinent to respective contends items" in the amended claim introduces new subject matter, because it narrows down the scope of the original claim, but it is not supported by the specification (the closest disclosure is referred in the specification: page 37, paragraph 2).

Regarding claim 10, the limitation of "storing in each of two or more categories one or mere pieces of preparation information each pertinent to respective contends items" in the amended claim introduces new subject matter, because it narrows down the scope of the original claim, but it is not supported by the specification (the closest disclosure is referred in the specification: page 37, paragraph 2).

Regarding claim 12, the limitation of "stores in each of two or more categories one or mere pieces of preparation information for each of a plurality of contends items" in the amended

claim introduces new subject matter, because it narrows down the scope of the original claim, but it is not supported by the specification (the closest disclosure is referred in the specification: page 37, paragraph 2).

***Claim Rejections - 35 USC § 102***

6. Claims 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Logan et al. (USPN 5,732,216) hereinafter referenced as Logan.

Regarding **claim 8**, Logan discloses an audio message exchange system that comprises a host system organizing and transmitting program segments to client subscriber locations via Internet (abstract, and Fig. 1), wherein subscriber audio player (herein equivalent to the client) comprises:

the data storage system being used for storing audio, text and image data at 107 (Fig.1) and for storing usage data at 109 which records the nature of the programming reproduced by the player 103, a sound card 110 which receives audio input from a microphone input device 111 for accepting (input) voice dictation and commands from a user and which delivers audio output to a speaker 113 in order to supply audio information to the user (column 3, lines 24-36), a conventional high speed data modem 115 for receiving (downloading) the program information 107 from the remote server 101 (column 4, lines 26-34), which corresponds to the claimed "input information transmitting means for transmitting input speech information over said network to said server;"

transmitting (uploading) program selections and preferences as well as usage data in the file 109 to the server 101 via data communication link 117 to the Internet (column 4, lines 26-34), which corresponds to the claimed "outputting means for receiving said contents selection information from said server over said network to output the received contents selection information;"

a program catalog identifying recorded programs that relate to a group of the topics so that subscriber can select the program from the catalog (column 1, lines 50-54) and providing user data and user log 143 that stores uploaded user data and further contains additional data describing the preferences and program selections unique to each subscriber (column 5, lines 35-44); and further providing FTP server interface 125, CGI interface 127, and HTML interface for HTTP protocol (column 4, lines 44-46) for transferring data to client and receiving requests from client (column 4, line 41 and column 5, line 47); which corresponds to the claimed "said input information transmitting means transmits input speech information according to two or more categories of preparation information for contents items based on requests received from said server."

Regarding **claim 9**, Logan discloses everything claimed, as applied above (see claim 8). Logan further discloses that the play mechanism 103 (client) includes a microphone for accepting voice commands (column 12, lines 53-54), for example, the spoken voice command "Five" can indicate a request to go to a predetermined numbered program segment while the spoken command "NEWS" could switch to the subject announcement segment for news programs (column 13, lines 25-27), and suggests that the system may includes a voice recognition system for the bookmark program segments (column 15, lines 38-39). In addition,

Logan discloses a preferred procedure for preparing the program content which is distributed to subscribers in Fig. 6 (column 13, lines 5-6), in which the program content is structured to facilitate interactive program selection by dividing data into segments (topics), indexing content, preparing transcript, comparing indexed data and identifying the program potentially relevant to one or more of the subject matter categories offered to subscribers (column 35, line 58 through column 36, line 21). This corresponds to the claimed "said input information transmitting means includes speech recognition means for performing speech recognition on the input speech information and wherein the recognized speech information, processed with speech recognition by said speech recognition means, is transmitted to said server."

***Claim Rejections - 35 USC § 103***

7. Claims 1-2, 10, 12 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. (USPN 5,732,216) hereinafter referenced as Logan.

Regarding **claim 1**, as best understood in view of claim rejection under 35 U.S.C. 112 1st (see above), Logan discloses an audio message exchange system that comprises a host system organizing and transmitting program segments to client subscriber locations via Internet (abstract, and see Fig. 1), which corresponds to the claimed "a contents selection system in which a server transmits contents selection information for having a client select the contents through a network." Logan further discloses that:

the subscriber audio player (herein equivalent to the client) may be implemented by a conventional laptop or desktop personal computer including a processor (the client CPU 105 in Fig. 1), and a data storage system consisting of both high speed RAM storage and a persistent

mass storage device, such as a magnetic disk memory, the data storage system being used for storing audio, text and image data at 107 (Fig. 1) and for storing usage data at 109 which records the nature of the programming reproduced by the player 103, a sound card 110 which receives audio input from a microphone input device 111 for accepting voice dictation and commands from a user and which delivers audio output to a speaker 113 in order to supply audio information to the user (column 3, lines 24-36), a conventional high speed data modem 115 for receiving (downloading) the program information 107 from the remote server 101 and for transmitting (uploading) program selections and preferences as well as usage data in the file 109 to the server 101 via data communication link 117 to the Internet (column 4, lines 26-34), which corresponds to the claimed "said client including input information transmitting means for transmitting the input speech information through said network to said server, and outputting means for receiving contents selection information from said server through said network and for outputting the received contents selection information;" and

the host file server 101 (Fig.1) stores and maintains a plurality of data files including a program data library indicated generally at 130 consisting of a collection of compressed audio program segments 131, announcement segments 132, text program segments 133, image segments 134, advertising segments 135 and program catalog information 137 (column 4, lines 46-52), which suggests including different categories; provides the program segments for segmenting and indexing audio voice, music files or other contents (column 4, lines 53-54, and column 36, lines 1-5), in which a program catalog identifies recorded programs that relate to a group of the topics so that subscriber can select the program from the catalog (column 1, lines 50-54) and provides user data and user log 143 that stores uploaded user data and further

contains additional data describing the preferences and program selections unique to each subscriber (column 5, lines 35-44)(herein interpreted as "contents selection information preparation means" for providing preparation functions for content selection information); and further provides FTP server interface 125, CGI interface 127, and HTML interface for HTTP protocol (column 4, lines 44-46) for transferring data to client and receiving requests from client (column 4, line 41 and column 5, line 47) (herein interpreted as contents selection information transmitting means). This corresponds to the claimed "said server including prepared information storage means for storing in each of two or more categories one or more pieces of preparation information each pertinent to respective contents items, contents selection information preparation means for preparing contents selection information based on speech information received from said client through said network and based on said preparation information, and contents selection information transmitting means for transmitting the contents selection information prepared by said contents selection information preparation means to said client over said network".

Although, Logan's teachings stated above may not be exactly same as the claimed feature of "storing in each of two or more categories one or more pieces of preparation information each pertinent to respective contents items", Logan further discloses upload and download procedure in Fig. 3, preparing the program content procedure in Fig. 6, and information structure diagram in Figs 4, 5 and 7 that give more detailed information for showing the relationship among the different data and implementation of the preparing information functionalities, which suggests that the system is capable of implementing the recited feature. Therefore, it is obvious for one

skilled in the art to use Logan's disclosure to implement the feature recited above, for propose of increasing flexibility of content selection in the system.

Regarding **claim 2**, Logan discloses everything claimed, as applied above (see claim 1). Logan further discloses that the play mechanism 103 (client) includes a microphone for accepting voice commands (column 12, lines 53-54), for example, the spoken voice command "Five" can indicate a request to go to a predetermined numbered program segment while the spoken command "NEWS" could switch to the subject announcement segment for news programs (column 13, lines 25-27), and suggests that the system may includes a voice recognition system for the bookmark program segments (column 15, lines 38-39). In addition, Logan discloses a preferred procedure for preparing the program content which is distributed to subscribers in Fig. 6 (column 13, lines 5-6), in which the program content is structured to facilitate interactive program selection by dividing data into segments (topics), indexing content, preparing transcript, comparing indexed data and identifying the program potentially relevant to one or more of the subject matter categories offered to subscribers (column 35, line 58 through column 36, line 21). This corresponds to the claimed "said client includes speech recognition means for performing speech recognition on said speech information input to said input information transmitting means; said input information transmitting means transmitting the recognized speech information processed with speech recognition by said speech recognition means to said server; and said contents selection information preparation means preparing said contents selection information based on said recognized speech information received from said client and based on said preparation information."

Regarding **claim 10**, as best understood in view of claim rejection under 35 U.S.C. 112 1st (see above), Logan discloses an audio message exchange system that comprises a host system organizing and transmitting program segments to client subscriber locations via Internet (abstract, and Fig. 1), wherein the host server 101 (Fig.1) (equivalent to contents selection server) comprise:

storing and maintaining a plurality of data files including a program data library indicated generally at 130 consisting of a collection of compressed audio program segments 131, announcement segments 132, text program segments 133, image segments 134, advertising segments 135 and program catalog information 137 (column 4, lines 46-52); provides the segments program for segmenting and indexing audio voice, music files or other contents (column 4, lines 53-54, and column 36, lines 1-5), which corresponds to the claimed "prepared information storage means for storing in each of two or more categories one or more pieces of preparation information each pertinent to respective contents items;"

providing user data and user log 143 that stores uploaded user data and further contains additional data describing the preferences and program selections unique to each subscriber (column 5, lines 35-44) (herein interpreted as "contents selection information preparation means" for providing preparation functions for content selection information); and a program catalog identifying recorded programs that relate to a group of the topics so that subscriber can select the program from the catalog (column 2, lines 51-54), which corresponds to the claimed "contents selection information preparation means for preparing contents selection information for selecting contents based on speech information received from a client over a network and based on said preparation information;" and

providing FTP server interface 125, CGI interface 127, and HTML interface for HTTP protocol (column 4, lines 44-46) for transferring data to client and receiving requests from client (column 4, line 41 and column 5, line 47), which corresponds to the claimed "contents selection information transmitting means for transmitting contents selection information prepared by said contents selection information preparation means to said client over said network."

Although, Logan's teachings stated above may not be exactly same as the claimed feature of "storing in each of two or more categories one or more pieces of preparation information each pertinent to respective contents items", Logan further discloses upload and download procedure in Fig. 3, preparing the program content procedure in Fig. 6, and information structure diagram in Figs 4, 5 and 7 that give more detailed information for showing the relationship among the different data and implementation of the preparing information functionalities, which suggests that the system is capable of implementing the recited feature. Therefore, it is obvious for one skilled in the art to use Logan's disclosure to implement the feature recited above, for propose of increasing flexibility of content selection in the system.

Regarding **claim 12**, it discloses a method, which corresponds to the apparatus of claim 1; the method is obvious in that it simply provides functionality for the structure found in claim 1.

Regarding **claims 18-19**, Logan discloses everything claimed, as applied above (see claim 1). Logan further discloses a program data library 130 (Fig. 1) including a collection of text, audio, image (including still image and moving image) and other information (herein inherent in different formats) for content selection (column 4, line 46 through column 5, line 5), which corresponds to the claimed "said contents selection information preparation means selects

a format from one of two or more available formats and provides the contents selection information to said contents selection information transmitting means in the selected format" (claim 18) and "said two or more available formats include text, still image, moving image, and audio" (claim 19).

8. Claims 4-5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan, in view of Ranger (USPN 5,999,940).

Regarding **claim 4**, Logan discloses everything claimed, as applied above (see claim 1). As stated above, Logan discloses the server 101 (Fig. 1) comprising:

a plurality of function blocks for storing and preparing information required through voice dictation and commands from user (column 3, line 24 through column 6, line 26), which corresponds to the claimed "said prepared information storage means stores preparation information made up of speech information;"

multiple database for managing various data (column 4, lines 59-67) and information structure for processing program table having program segment record with group ID and request table having program ID (column 16, lines 66-67 and column 17, line 43 to column 18, line 16), which suggests that the system inherently controls the total number of programs, a group of programs or individual program (herein equivalently interpreted as contents selection information preparation means); the comparison function at 407 (Fig. 6) scanning the words in each candidate program segments to form a weighting value indicating the frequency (density) of the occurrence of descriptors for each category (column 36, lines 22-25) (herein equivalent to "the calculated value of similarity"); a text transcript being prepared using conventional speech

recognition mechanism and indexed by the terms used (column 36, lines 6-9) (herein inherently including "acoustic characteristic quantities for each contents item"); multiple evaluations in levels, such as interest level (column 9, line 48), cost level (column 11, line 30), and important level (column 19, line 60), for further managing amount of contents (herein equivalently interpreted as "a number of contents corresponding to the preparation information"); program segments whose content produces a high weighting value with respect to any category are automatically associated with that category and retained for further processing as indicated at 408, while program segments producing no weighting values greater than a predetermined minimum may be completely discarded at this stage, as indicated at 411, since their content does not indicate a sufficient likelihood being of interest to a sufficient number of subscribers (column 36, lines 26-34) (herein suggesting a equivalent similarity measure for selecting contents); which corresponds to the claimed "said contents selection information preparation means calculates the similarity in one or more acoustic characteristic quantities for each contents item between said received speech information and the preparation information stored in said prepared information storage means in a first category for the contents item, and determines the number of contents items for which the calculated value of similarity has exceeded a pre-set threshold value;" and

system filtering function identifying those programs which of potential relevant to one or more of the established subject matter categories offered to subscriber and the system filter database 409 (Fig. 1) may take the form of a set of words (descriptors) of known relevance associated with each of the subject matter categories in the catalog (column 36, lines 16-22); producing program contents with interactive program selection (column 35, lines 58-60); information distribution procedure that can be repeatedly processed (see flow chart in Fig. 2);

and suggestion that if the weighting values is greater than a predetermined minimum it will be retained for further processing (column 36, lines 26-34); which suggests that the system is capable of implementing the functionality as claimed "said contents selection information preparation means acquires speech information different from the first-stated speech information to repeat the similarity calculation thereon with respect to each said preparation information stored in said prepared information storage means in a second category" and "said contents selection information preparation means acquires speech information different from the first-stated speech information to repeat the similarity calculation thereon with respect to each said preparation information stored in said prepared information storage means in a second category".

But, Logan fails to expressly disclose a test condition based on whether "said determined number of contents items is not less than a pre-set number" or not. However, this feature is well known in the art as evidence by Ranger who discloses that the number of content items is compared a predefined threshold parameter 'N' (pre-set number), which indicates how many contents items must be present in order to trigger the automatic content analysis (column 19, lines 48-52, and Fig. 7 block 700). Therefore, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify Logan by specifically providing a test condition based on whether the number of content items is greater than a predefined threshold, as taught by Ranger, for the purpose of trigging different further processing.

Regarding **claim 5**, Logan discloses everything claimed, as applied above (see claim 1). As stated above, Logan discloses the server 101 (Fig. 1) comprising:

multiple database for managing various data (column 4, lines 59-67) and information structure for processing program table having program segment record with group ID and

request table having program ID (column 16, lines 66-67 and column 17, line 43 to column 18, line 16), which suggests that the system inherently controls the total number of programs, a group of programs or individual program (herein equivalently interpreted as contents selection information preparation means); the comparison function at 407 (Fig. 6) scanning the words in each candidate program segments to form a weighting value indicating the frequency (density) of the occurrence of descriptors for each category (column 36, lines 22-25) (herein equivalent to "the calculated value of similarity"); a text transcript being prepared using conventional speech recognition mechanism and indexed by the terms used (column 36, lines 6-9) (herein inherently including "acoustic characteristic quantities for each contents item"); multiple evaluations in levels, such as interest level (column 9, line 48), cost level (column 11, line 30), and important level (column 19, line 60), for further managing amount of contents (herein equivalently interpreted as "a number of contents corresponding to the preparation information"); program segments whose content produces a high weighting value (equivalent to high similarity) with respect to any category are automatically associated with that category and retained for further processing as indicated at 408, while program segments producing no weighting values greater than a predetermined minimum (equivalent to "pre-set threshold value") may be completely discarded at this stage, as indicated at 411, since their content does not indicate a sufficient likelihood being of interest to a sufficient number of subscribers (column 36, lines 26-34) (herein suggesting a equivalent similarity measure for selecting contents); which corresponds to the claimed "wherein said contents selection information preparation means calculates the similarity in one or more acoustic characteristic quantities for each contents item between said speech information and the preparation information stored in said prepared information storage means in

a first category for the contents item, and determines the number of contents items for which the calculated value of similarity has exceeded a pre-set threshold value;"

program segments whose content produces a high weighting value (equivalent to high similarity) with respect to any category are automatically associated with that category and retained for further processing as indicated at 408, while program segments producing no weighting values greater than a predetermined minimum (equivalent to "pre-set threshold value") may be completely discarded at this stage, as indicated at 411, since their content does not indicate a sufficient likelihood being of interest to a sufficient number of subscribers (column 36, lines 26-34) (herein also equivalently calculating a variation measure for selecting contents, because the content with high weighting value most likely belong to an associated category, which is equivalent to high variation comparing the other categories); the system filtering function identifying those programs which of potential relevant to one or more of the established subject matter categories offered to subscriber and the system filter database 409 (Fig. 1) may take the form of a set of words (descriptors) of known relevance associated with each of the subject matter categories in the catalog (column 36, lines 16-22); producing program contents with interactive program selection (column 35, lines 58-60); information distribution procedure that can be repeatedly processed (see flow chart in Fig. 2); and suggestion that if the weighting values is greater than a predetermined minimum it will be retained for further processing (column 36, lines 26-34); which suggests that the system is capable of implementing the functionality as claimed "said contents selection information preparation means calculates variations from one category to another among the other categories of said preparation information to prepare the contents selection information based on the preparation information of

the category having the maximum variations" and "said contents selection information preparation means prepares the contents selection information for each of said contents items for which the calculated value of similarity has exceeded said pre-set threshold value".

But, Logan fails to expressly disclose a test condition based on whether "said determined number of contents items is not less than a pre-set number" or not. However, this feature is well known in the art as evidence by Ranger who discloses that the number of content items is compared with a predefined threshold parameter 'N' (pre-set number), which indicates how many contents items must be present in order to trigger the automatic content analysis (column 19, lines 48-52, and Fig. 7 block 700). Therefore, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify Logan by specifically providing a test condition based on whether the number of content items is greater than a predefined threshold, as taught by Ranger, for the purpose of trigging different further processing.

Regarding **claim 15**, Logan and Ranger disclose everything claimed, as applied above (see claim 4). In addition, the rejection is based on the same reason described in claim 4, because claim 15 recites same or similar limitation as claim 4.

9. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Hedin et al. (USPN 6,185,535) hereinafter referenced Hedin.

Regarding **claim 3**, Logan discloses everything claimed, as applied above (see claim 1). Logan further discloses a preferred procedure for preparing the program content which is distributed to subscribers in Fig. 6 (column 13, lines 5-6), in which the program content is

structured to facilitate interactive program selection by dividing data into segments (topics), indexing content, preparing transcript, comparing indexed data and identifying the program potentially relevant to one or more of the subject matter categories offered to subscribers (column 35, line 58 through column 36, line 21); and a text transcript may be prepared using conventional speech recognition mechanisms and the transcript may then be indexed by the terms used (column 36, lines 6-9), which corresponds to the claimed "said server includes speech recognition means for recognizing the speech of said speech information;" and "said contents selection information preparation means prepares said contents selection information based on the speech information recognized by said speech recognition means and said preparation information." But, herein, Logan's speech recognition is for audio programming (content), not for speech information "received from said client over the network" as the claimed. However, the examiner contends that the concept of providing speech recognition for recognizing a speech from client was well known, as taught by Hedin.

In the same field of endeavor, Hedin discloses voice control of a user interface to service applications. Hedin further discloses that the remote application part (server) 205 (Fig. 3) comprises an ASR (automatic speech recognition) being able to recognize isolate or continuous speech from the terminal application part (client) (column 9, lines 12-37).

Therefore, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify Logan by specifically providing an ASR for recognizing a speech information from client, as taught by Hedin, for the purpose of taking advantage of powerful speech recognizer in a server.

Regarding **claim 11**, Logan discloses everything claimed, as applied above (see claim 10). In addition, the rejection is based on the same reason as the claim 3, because it is obvious in that it simply provides the same structure and functionality found in claim 3.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Ladd et al. (USPN 6,493,671) hereinafter referenced Ladd.

Regarding **claim 6**, Logan discloses everything claimed, as applied above (see claim 2). But, Logan fails to expressly disclose a verifying mechanism for speech recognition as claimed. However, the examiner contends that the concept of providing a verifying mechanism for speech recognition was well known, as taught by Ladd.

In the same field of endeavor, Ladd discloses a markup language for interactive service to notify a user of an event and methods thereof, comprising a voice browser 250 (Fig. 3) (column 7, line 6) and an automatic speech recognition (ASR) unit 254, 12-37). Ladd further disclose that the "DIALOG" element and the associated "STEP" element of a markup language define a dialogue interpretation between the voice browser and user, including "confirm" element (column 18, lines 1-39) for allowing user verifying the spoken content.

Therefore, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify Logan by specifically providing a verifying mechanism for speech recognition, as taught by Ladd, for the purpose of increasing speech recognition accuracy.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Hedin and further in view of Ladd.

Regarding **claim 7**, Logan and Hedin disclose everything claimed, as applied above (see claim 3). But, Logan and Hedin fail to expressly disclose a verifying mechanism for speech recognition as claimed. However, the examiner contends that the concept of providing a verifying mechanism for speech recognition was well known, as taught by Ladd.

In the same field of endeavor, Ladd discloses a markup language for interactive service to notify a user of an event and methods thereof, comprising a voice browser 250 (Fig. 3) (column 7, line 6) and an automatic speech recognition (ASR) unit 254, 12-37). Ladd further disclose that the "DIALOG" element and the associated "STEP" element of a markup language define a dialogue interpretation between the voice browser and user, including "confirm" element (column 18, lines 1-39) for allowing user verifying the spoken content.

Therefore, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify Logan by specifically providing a verifying mechanism for speech recognition, as taught by Ladd, for the purpose of increasing speech recognition accuracy.

12. Claims 13 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Milsted et al. (USPN 6,263,313 B1), hereinafter referenced as Milsted.

Regarding **claim 13**, Logan discloses everything claimed, as applied above (see claim 1). But, Logan fails to expressly disclose that "said two or more categories include categories for title, performer, and genre". However, this feature is well known in the art as evidence by Milsted who discloses a method and apparatus to create encoded digital content, and further discloses determining the genre of the music selected (column 66, lines 53-54) and a simple browser interface with list of titles, performers or new releases to select from (column 74, lines

39-41). Therefore, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify Logan by specifically providing categories for title, performer, and genre, as taught by Milsted, for the purpose of increasing flexibility of selecting contents.

Regarding **claim 20**, Logan discloses everything claimed, as applied above (see claim 8). But, Logan fails to expressly disclose that "said two or more categories includes categories for title, performer, and genre". However, this feature is well known in the art as evidence by Milsted who discloses a method and apparatus to create encoded digital content, and further discloses determining the genre of the music selected (column 66, lines 53-54) and a simple browser interface with list of titles, performers or new releases to select from (column 74, lines 39-41). Therefore, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify Logan by specifically providing different categories for title, performer, and genre, as taught by Milsted, for the purpose of increasing flexibility of selecting contents.

Regarding **claim 21**, Logan discloses everything claimed, as applied above (see claim 10). But, Logan fails to expressly disclose that "said two or more categories includes categories for title, performer, and genre". However, this feature is well known in the art as evidence by Milsted who discloses a method and apparatus to create encoded digital content, and further discloses determining the genre of the music selected (column 66, lines 53-54) and a simple browser interface with list of titles, performers or new releases to select from (column 74, lines 39-41). Therefore, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify Logan by specifically providing different categories for title,

performer, and genre, as taught by Milsted, for the purpose of increasing flexibility of selecting contents.

Regarding **claim 22**, it discloses a method, which corresponds to the apparatus of claim 13; the method is obvious in that it simply provides functionality for the structure found in claim 13.

13. Claims 14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Ranger and further in view of Milsted.

Regarding **claim 14**, Logan and Ranger disclose everything claimed, as applied above (see claim 4). But, Logan in view of Ranger fails to expressly disclose that "said first category is title, and said second category is performer". However, this feature is well known in the art as evidence by Milsted who discloses a method and apparatus to create encoded digital content, and further discloses a simple browser interface with list of titles, performers or new releases to select from (column 74, lines 39-41). Therefore, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify Logan in view of Ranger by specifically providing categories for title, performer, as taught by Milsted, for the purpose of increasing flexibility of selecting contents.

Regarding **claim 16**, Logan and Ranger disclose everything claimed, as applied above (see claim 15). But, Logan in view of Ranger fails to expressly disclose that "said first category is title, said second category is performer, and said third category is genre". However, this feature is well known in the art as evidence by Milsted who discloses a method and apparatus to create encoded digital content, and further discloses determining the genre of the music selected

(column 66, lines 53-54) and a simple browser interface with list of titles, performers or new releases to select from (column 74, lines 39-41). Therefore, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify Logan in view of Ranger by specifically providing different categories for title, performer, and genre, as taught by Milsted, for the purpose of increasing flexibility of selecting contents.

Regarding **claim 17**, Logan and Ranger disclose everything claimed, as applied above (see claim 5). But, Logan in view of Ranger fails to expressly disclose that "said first category is title, and said other categories upon which said contents selection information preparation means calculates variations from one category to another include categories for performer and genre". However, this feature is well known in the art as evidence by Milsted who discloses a method and apparatus to create encoded digital content, and further discloses determining the genre of the music selected (column 66, lines 53-54) and a simple browser interface with list of titles, performers or new releases to select from (column 74, lines 39-41). Therefore, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify Logan in view of Ranger by specifically providing different categories for title, performer, and genre, as taught by Milsted, for the purpose of increasing flexibility of selecting contents.

### *Conclusion*

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any response to this office action should be mailed to:
Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA22313-1450
or faxed to:
(703)-872-9314
Hand-delivered responses should be brought to:
Crystal Park II, 2121 Crystal Drive, Arlington. VA. Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qi Han whose telephone numbers is (703) 305-5631. The examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 5:30 p.m. and Friday from 8:00 a.m. to 12:00 a.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-6954.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

QH/qh
September 4, 2003

Richemond Dorvil
Primary Examiner